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Anguilla

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 29 December 2014. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Anguilla is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Christina Scott (2013).

Geography: The Territory lies 240 km east of Puerto Rico, 113 km north-west of Saint Kitts and Nevis and 8 km north of Sint Maarten/Saint Martin. It has a relatively flat topography, with a few rolling hills rising to 213 ft.

Land area: 96 km^2. The main island has a maximum length of 26 km and a maximum width of 5 km.

Exclusive economic zone: 92,178 km^2.

Population: 15,700 (2013 estimate).

Life expectancy at birth: 81.2 years (male: 78.6 years, female: 83.9 years (2014 estimate)).

Languages: 99 per cent of the population speaks English. Spanish and Chinese are also spoken.

Capital: The Valley.

Head of territorial Government: Chief Minister Hubert B. Hughes (February 2010).

Elections: Most recent: February 2010; next: by 25 April 2015.

Main political parties: Anguilla United Front; Anguilla United Movement.

Legislature: House of Assembly.

Gross domestic product per capita: US$ 13,000 (2012 estimate).

Economy: Tourism, financial services and remittances.

Main trading partners: United States of America and States members of the Caribbean Community.

Unemployment rate: 8 per cent (2012 estimate).

Monetary unit: East Caribbean dollar, pegged to the United States dollar at about EC$ 2.70.

Brief history: Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650 and was periodically associated with Saint Kitts and Nevis, as well as with various regional structures. In 1980, the Territory became a dependency of the United Kingdom.

I. Constitutional, legal and political issues

1. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of the Governor, the Executive Council and the House of Assembly. The Governor, appointed by the British Crown, is responsible for defence, external affairs, internal security (including the police and prison services), international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.

2. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chair of the Council. The House of Assembly is elected for five-year terms and comprises the Speaker, not less than seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members appointed by the Governor, one upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate. In accordance with the Constitution, the Governor appoints as Chief Minister one of the elected members of the Assembly who, in the judgement of the Governor, is likely to command the support of a majority of the elected members of the Assembly. Other ministers are also appointed by the Governor, in accordance with the advice of the Chief Minister, from among the elected members of the Assembly.

3. The general elections held in Anguilla on 15 February 2010 resulted in a change of government from the Anguilla United Front to the Anguilla United Movement under Hubert B. Hughes.

4. The law of Anguilla is the common law of the United Kingdom of Great Britain and Northern Ireland, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and the local legislation enacted since. The law is administered by the Eastern Caribbean Supreme Court, an itinerant court based in Saint Lucia, which comprises a court of appeal and a high court of justice, courts of summary jurisdiction and a magistrates' court. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

5. Discussions with the United Kingdom on a new draft constitution had been expected to begin in 2010. In 2011, Anguilla set up a team headed by H. Clifton Niles to draft a new constitution. As previously reported, a draft text was presented to the Government in February 2012, containing changes in governance that could become features of an independent constitution. According to the administering Power, work on the draft is continuing.

6. According to the administering Power, in line with its white paper entitled *The Overseas Territories: Security, Success and Sustainability*, published in 2012, the Governor has made clear that any decision to sever the constitutional link between the United Kingdom and Anguilla should be on the basis of the clear and constitutionally expressed wish of the people of Anguilla. If the desire for

independence was clearly expressed, the Government of the United Kingdom would meet its obligations to help the Territory to achieve it.

II. Budget

7. The Governments of the United Kingdom and Anguilla have agreed upon a framework for fiscal responsibility and development, which was passed into Anguillan law in November 2013. It set out the commitment of the Government of Anguilla to a balanced budget, borrowing guidelines and a medium-term fiscal plan for the management of public finances over the coming five years. In December 2014, the Chief Minister and Minister of Finance presented a budget of EC$ 192.17 million in the House of Assembly for the operation of the Government in 2015. According to the 2015 budget address by the territorial Government in December 2014, the Government of the United Kingdom continued to provide a grant to advance key projects in the Territory, and the third and final tranche of the tenth European Development Fund, received in November 2014, amounted to EC$ 11.74 million.

8. According to the administering Power, there is no income, estate, capital gains, corporation, value added or goods and services tax in Anguilla. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves.

III. Economic conditions

A. General

9. According to August 2014 estimates from the Eastern Caribbean Central Bank provided by the administering Power, the Territory's gross domestic product (GDP) was projected to total some US$ 291 million in 2014 and estimated to be US$ 298 million in 2015.

10. The main industries in Anguilla are tourism, real estate, offshore incorporation and management and banking. Tourism is the main source of economic growth. The economy continues to be affected by the global economy, international oil prices and weather conditions. According to the administering Power, economic recovery remains at the forefront of both Governments' agendas.

B. Tourism

11. The Ministry of Finance, Economic Development, Investment, Commerce and Tourism is responsible for implementing the tourism master plan, while the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

12. According to information provided by the administering Power, a number of hotel development projects were under way in 2014. According to data by the territorial Government, Anguilla had 151,303 visitor arrivals in 2013 (of which 69,068 were stay-over visitors), a 16.9 per cent increase from 129,391 visitor arrivals in 2012.

C. Financial services

13. International financial services account for some 20 per cent of GDP of Anguilla. The Anguilla Financial Services Commission was established in 2004 as an independent regulatory body reporting to the Governor. According to the administering Power, the committee of the Commission, which, as previously reported, had been established to deal with the requirements of the Foreign Account Tax Compliance Act of the United States of America and was chaired by an official of the Government of Anguilla, continued its work in 2014. In October 2014, Anguilla joined the early adopters initiative to commit itself to the early adoption of the Common Reporting Standard, which was the new standard in the automatic exchange of information between tax authorities developed by the Organization for Economic Cooperation and Development.

14. The Eastern Caribbean Central Bank decided in August 2013 to remove the boards of directors and senior management teams of the National Bank of Anguilla and the Caribbean Commercial Bank, appointing a conservator to improve the management of each bank. The banks, which account for three quarters of the assets of the Territory's entire banking system, are licensed by the Minister of Finance and are regulated by the Eastern Caribbean Central Bank. In February 2014, the Eastern Caribbean Central Bank announced that it had extended the period of conservatorship of both banks.

D. Agriculture and fisheries

15. Agricultural activity in Anguilla is limited, owing to a combination of poor soil and irregular rainfall. Nevertheless, according to the administering Power, there has been renewed interest in farming on the island. Young farmers are investing in new and improved methods of vegetable and livestock production. Farmers are reported as supplying the local market outlets with their produce, as well as exporting to neighbouring islands.

16. The territorial Government estimated the total fish catch in 2013 to be about 13,700 lbs, valued at some EC$ 128,500, and from January to November 2014 the total catch was about 24,200 lbs, an estimated value of EC$ 282,400. According to the administering Power, fishing is significant to the livelihoods of many Anguillans, directly employing 250 to 300 people, with many more fishing on a subsistence basis. As previously reported, Anguilla is using less than one quarter of its exclusive fishing zone to the north of the island. In 2013, the administering Power decided to provide assistance to the Government of Anguilla in investigating whether commercial fisheries might be established in the Territory. According to the administering Power, a proposal to conduct studies in the exclusive fishing zone to determine the stock and species abundance had been submitted to the Foreign and Commonwealth Office, and a final decision to commence work is expected to be made early in 2015.

E. Infrastructure

17. Anguilla has approximately 175 km of public roads, 80 per cent of which are paved. According to the administering Power, infrastructure development continues to be low as a result of the recent economic downturn.

18. The Anguilla Air and Sea Ports Authority, a semi-autonomous self-sustaining entity, manages the operations of the airport and seaports on a commercial basis. Clayton J. Lloyd International Airport, situated on the outskirts of The Valley, is the only airport on the island and serves both commercial and private aircraft, including a fixed-base operator facility. There are flights to and from the international airports of Antigua, Sint Maarten/Saint Martin and Puerto Rico.

F. Transportation, communications and utilities

19. Taxis are the only form of public transport in Anguilla; however, car rental is widely available. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to Sint Maarten/Saint Martin, and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

20. As previously reported, a study commissioned by the Government of Anguilla for the integration of renewable energy into the energy profile of the island recommended in October 2012 that the Territory's laws and regulations should be updated in order to enable renewable energy to be interconnected to the electricity grid. That legislation has not yet been enacted, according to the administering Power. The Territory's privately owned utility company is exploring the possibility of investing in a waste-to-energy renewable energy plant.

IV. Social conditions

A. General

21. The social security scheme of the Territory is overseen by the Anguilla Social Security Board. The Department of Social Development offers basic social services to the public. According to information provided by the administering Power, during the period from 1 January to 24 November 2014, 144 persons received public assistance in the form of cash transfers totalling EC$ 881,596. During the same period, 356 persons benefited from medical assistance valued at approximately EC$ 2.2 million. Contributions to needy families in the form of food vouchers totalled EC$ 20,660. According to the administering Power, the use of those social services demonstrates that, while no segment of the Territory's population is considered indigent, the vulnerable population, in particular children, depends heavily on the Government to meet its basic needs. It was also noted in the 2015 budget address of the territorial Government in December 2014 that the Department was witnessing a growing trend for assistance with the upkeep of seniors.

22. According to the administering Power, the Ministry of Social Development continues to sensitize stakeholders to the importance of adhering to the inter-agency child abuse reporting protocol to ensure that all agencies responsible for

safeguarding children work collectively to respond to child abuse and neglect, by holding sensitization sessions, organizing workshops for school-age children in collaboration with the United Nations Children's Fund and working towards developing child protection legislation.

B. Education

23. In Anguilla, education is free and compulsory between the ages of 5 and 17 years, benefiting some 2,700 pupils. The Department of Education provides continuing professional development for all teachers, with emphasis on supporting new teachers.

24. Anguilla Community College offers, among others, associate degrees and a postgraduate diploma. In 2014, the first students with associate degrees from the Community College graduated. In addition, as from 2013, the Community College offers vocational training courses in electrical installation, automotive repair, plumbing, refrigeration and air conditioning, enabling students to attain internationally recognized qualifications in a number of disciplines.

25. In addition, the Department and the Open Campus of the University of the West Indies provide tertiary education in Anguilla, offering primary and secondary teacher training and basic skills training programmes. In addition, according to the administering Power, a private medical school based in the United States has a campus in the Territory offering the basic sciences to its students (approximately 300), who are mostly from the United States.

26. Citizens from overseas territories benefit from the home student fee rate at British universities. In accordance with the decision in November 2013 by the Council of the European Union on the association of the overseas countries and territories with the European Union, the European Union provides for access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

C. Public health

27. The Health Authority of Anguilla is responsible for all primary, secondary and personal health-care services. There are three health districts in the Territory, featuring four health centres, one polyclinic and one hospital, the Princess Alexandra Hospital. Cases requiring major surgery are usually evacuated to a neighbouring island.

28. The Ministry of Social Development regulates and monitors the public and private health sectors, including the Health Authority, and carries out policymaking and regulatory functions. The Territory's health sector priorities are set out in the strategic plan for 2009 to 2014 and include the strengthening of primary and secondary health-care services, and, according to the administering Power, the next strategic plan for 2015 to 2020 is under finalization. According to the administering Power, the 2014 budget provided for approximately ECS 16 million for the Health Authority, and more than ECS 1 million was spent on medical treatment overseas from January to November 2014.

D. Crime and public safety

29. According to information provided by the administering Power, Anguilla has a low crime rate compared with other jurisdictions in the region. However, gun-related crime has affected communities in Anguilla, which resulted in some changes in the Anguilla Police Act. In addition, according to the administering Power, law enforcement added a canine unit in its fight against firearm crimes. Other initiatives taken include joint border agency training and operational activities in the fight against organized crime and gang activity, in addition to various community-based activities.

30. The Money-Laundering Reporting Authority is the central body responsible for the receipt, analysis and dissemination of information pertaining to the suspicion of proceeds derived from criminal activities and provides strategic oversight of the financial intelligence function. The Anguilla Financial Intelligence Unit, a dedicated, specialist unit within the Royal Anguilla Police Force, is delegated by the Authority to perform the day-to-day operational functions to carry out a wide variety of financial crime investigations, including money-laundering.

31. The United Kingdom continued its funding of a law enforcement adviser based in Miami, United States, who coordinates, manages and facilitates training and strategic advice to introduce new techniques and skills for the Territory's law enforcement agencies. Furthermore, in 2014, HMS *Argyll* was in the Caribbean region as part of the Royal Navy Atlantic Patrol Tasking North, which provides a United Kingdom maritime presence and crisis communications in the region all year round. During hurricane season, a Royal Navy ship is on standby to provide humanitarian support to Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Caicos Islands. During her time in the Caribbean, HMS *Argyll* worked with other regional navies and coastguards to combat illegal activities on the high seas.

E. Human rights

32. The Territory's Constitution provides that every person in Anguilla is entitled to life, liberty, security of person, the enjoyment of property, protection of the law, freedom of conscience, expression and peaceful assembly and association, and respect for his or her private and family life. The Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination have been extended to Anguilla. The European Convention on Human Rights also applies to Anguilla, with individuals having the right to bring cases to the European Court of Human Rights where no other remedy exists in the Territory. In March 2014, the Government of Anguilla requested the extension of the ratification by the United Kingdom of the Convention on the Elimination of All Forms of Discrimination against Women to the Territory.

V. Environment

33. According to information provided by the administering Power, Anguilla faces a decline in marine ecosystem health and integrity, given that some 90 per cent of

near-shore hard corals have been lost in the past two decades. A 50 per cent decline in seagrass bed cover has been recorded, along with a 60 per cent decline in near-shore coral reef fish populations.

34. The Department of the Environment, the Agriculture Department, the Department of Fisheries and Marine Resources, the Department of Health Protection and the Anguilla National Trust are the principal entities dealing with environmental issues, which continued to focus in 2014 on in situ research concerning coral reefs and coastal communities to help to determine how climate change affects reefs in Anguilla.

35. The United Kingdom Overseas Territories Biodiversity Strategy has been devised as a key tool to enable the United Kingdom and overseas territorial Governments to meet the relevant international obligations for the conservation and sustainable use of biodiversity. In April 2014, a report was published about ongoing and planned activities that are supported by the Department for Environment, Food and Rural Affairs, the Foreign and Commonwealth Office and the Department for International Development of the Government of the United Kingdom, as well as its statutory adviser, the Joint Nature Conservation Committee, in each of the areas under the Strategy. The report covered, inter alia, activities in Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands (Malvinas),[1] Gibraltar, Montserrat, Pitcairn, Saint Helena and the Turks and Caicos Islands. As an example of the administering Power actively providing technical advice and building capacity in relation to the extension of multilateral environment agreements where requested to do so by the territorial Governments, the Department for Environment, Food and Rural Affairs carried out work to ensure that the relevant conditions were met for the United Kingdom to extend its ratification of the Convention on International Trade in Endangered Species of Wild Fauna and Flora to Anguilla in February 2014.

VI. Relations with international organizations and partners

36. Since 1998, the Territory has been an associate member of the Economic Commission for Latin America and the Caribbean. Since 2011, it has maintained a formal dialogue with the International Monetary Fund.

37. Anguilla participates in the Caribbean Community as an associate member. It is a member of the Caribbean Development Bank, the Caribbean Financial Action Task Force and the Caribbean Regional Fisheries Mechanism.

38. Anguilla is an associate member of the Organization of Eastern Caribbean States and a member of the Eastern Caribbean Central Bank.

39. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. According to the United Kingdom, the Territory has yet to establish a relationship with the European Union in the context of the European Union Economic Partnership Agreement. As at January 2014, the Territory was a partner under the above-mentioned decision of the Council of the European Union, which, according to the administering Power, was

[1] A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the Union in the wider world.

40. The territorial Government cooperates directly with Caribbean Governments and participates in regional projects of various international organizations and agencies, including the Pan American Health Organization.

VII. Future status of the Territory

A. Position of the territorial Government

41. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in section I above.

B. Position of the administering Power

42. On 10 October 2014, at the 5th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the sixty-ninth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was modern and based on partnership, shared values and the right of the people of each territory to determine whether to remain British. Should the people of a territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

43. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with territory leaders into a Joint Ministerial Council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper.

44. At the third meeting of the Overseas Territories Joint Ministerial Council, held in London on 2 and 3 December 2014, the United Kingdom and overseas territory leaders agreed upon a communiqué that included the following passage setting out the joint position of the United Kingdom and the overseas territories on self-determination:

> The peoples of all the Territories have the right of self-determination. For those Territories with permanent populations who wish it, the United Kingdom will continue to support requests for the removal of the Territory from the United Nations list of Non-Self-Governing Territories. Territory Governments are politically accountable to their legislatures for the exercise of devolved areas of policy. We will continue to work together to develop governmental and democratic institutions so that Territories have the greatest self-government possible, compatible with the United Kingdom's obligations in respect of its sovereign responsibilities.

VIII. Action taken by the General Assembly

45. On 5 December 2014, the General Assembly adopted resolutions 69/105 A and B without a vote, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2014 (A/69/23) and the subsequent recommendation by the Fourth Committee. Section II of resolution 69/105 B concerns Anguilla. In that section, the Assembly:

(a) Welcomed the preparations made for a new constitution, and urged that constitutional discussions with the administering Power, including public consultations, be concluded as soon as possible;

(b) Requested the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

(c) Stressed the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, called upon the administering Power to facilitate such a mission, if the territorial Government so desired, and requested the Chair of the Special Committee to take all the necessary steps to that end;

(d) Requested the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(e) Called upon the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including budgetary matters, with regional support as needed and appropriate;

(f) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean.